

## REMARKS

The Examiner has withdrawn the finality of the Office Action mailed 5/20/03 rejecting claims 4 and 6 and 35 U.S.C. § 102 and from which applicant filed an appeal. The Examiner now rejects claims 4 and 6 under 35 U.S.C., Section 103(a) as being unpatentable over Frisbee in view of Moriarty.

The Examiner relies on Moriarty as teaching left and right drive wheels that support the rear of the frame. Applicant's claims 4 and 6 require that the left and right radial arms extend from an axis forward of the drive wheels. The Examiner appears to take Moriarty's wheels 22 to be applicant's drive wheels with Moriarty's radial arms being journalled on an axis forward of Moriarty's wheels 22. However, Moriarty's wheels 22 and 24 are part of the overall drive wheel structure which includes the track 20. In fact, Moriarty states that the vehicle is "driven by an elastomeric belted track 20 which operatively engages rear main drive wheel 22 and front auxiliary drive wheel 24 (Col.3, Ln.68 – Col.4, Ln.2).

Applicant has amended claim 4 to state that applicant's drive wheels are in rolling contact with the floor surface. Moriarty's drive wheels 22 and/or 24 are not in contact with the floor surface. Only the track is in contact with the floor surface. Moriarty's wheels 22, therefore, do not meet the requirements of applicant's claims 4 and 6. They are not in rolling contact with the floor. On the other hand, Moriarty's track 20 extends forwardly of Moriarty's radial arm pivot axis and Moriarty's track cannot serve to teach applicant's drive wheels or applicant's relationship of the drive wheels to the radial arm axis.

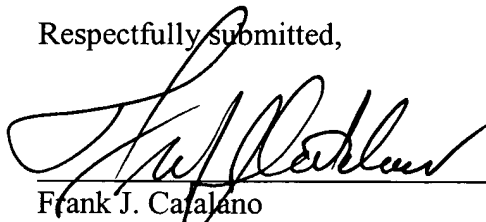
Therefore, applicant respectfully submits that Frisbee in view of Moriarty does not render claims 4 and 6 unpatentable under 35 U.S.C., 103(a) and allowance of claims 4 and 6 is requested.

All other remaining claims in this application have already been allowed. Applicant therefore respectfully requests that a Notice of Allowance be issued in this application.

It is understood there is no fee due at this time. However, should a fee deficiency have occurred, please charge Deposit Account No. 50-1971 per 37 C.F.R. § 1.25.

Please note attorney's address change which has been previously submitted.

Respectfully submitted,

4/20/04  
Date

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